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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,636	08/22/2003	Akihiro Taguchi	11-178	8016
23400	7590	12/22/2004	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			ZANELLI, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/645,636	TAGUCHI ET AL.	
	Examiner	Art Unit	
	Michael J. Zanelli	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15, 17, 19-24, 26-32 and 35-40 is/are rejected.
- 7) Claim(s) 16, 18, 25, 33 and 34 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03, 9/16/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The application filed 8/22/03 has been examined. Claims 1-40 are pending.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The IDS filed 8/22/03 and 9/16/04 have been considered. Note WO 00/34062 was cited twice.
4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
5. Claims 33-36 are objected to because of the following informalities:
 - A. As per claims 33 and 35, at line 10 "in" should be --is--.
 - B. All claims depending from an objected base claim are also objected to as containing the same deficiencies.
6. Claims 17, 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. As per claim 17, "said provisional ID registering means" lacks antecedence. Note this limitation is introduced in claim 16.
 - B. As per claims 26 and 27, "said provisional ID registering means" lacks antecedence. Note this limitation is introduced in claim 25.
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 5-10, 12-15, 19, 22-24, 28, 31, 32 and 37-40 are rejected under 35

U.S.C. 102(b) as being anticipated by Hirohama et al. (2002/0070876).

A. As per claims 1, 5, 8, 12, 15, 19, 24 and 28, Hirohama discloses a tire air pressure monitoring system (Fig. 1) which includes processing (Fig. 2) for identifying and registering transmitters located in tires attached to the vehicle. Each transmitter transmits an ID, air pressure, temperature (i.e., “variable data”) and a function code to a receiver whereby the receiver performs a registering process based on the rotational state of the wheels [0023-0024]. The receiver also receives a traveling condition of the vehicle (i.e., vehicle speed [0031]) and uses this information in conjunction with the information transmitted by the wheel transmitters to perform the ID registration process shown in Fig. 2. The receiver acts as a controller of the system and includes a microcomputer which performs the registering process and stores the registered IDS [0029] as well as issue warnings to the driver when abnormalities in the tire information are detected [0021].

B. As per claims 2, 3, 6, 7, 9, 10, 13, 14, 22, 23, 31, 32 and 37-40, as above wherein the variable data may be pressure and temperature [0021] and the vehicle traveling condition may be vehicle speed [0031].

9. Claims 1-15, 19-24, 28-32 and 35-40 are rejected under 35 U.S.C. 102(a) as being anticipated by Nakayama (JP 2003-154824).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

A. As per claims 1, 5, 8, 12, 15, 19, 24, 28 and 35, as can best be determined Nakayama discloses a tire air pressure monitoring system (Fig. 1) which includes processing for automatically registering IDs of tire pressure transmitters located in each wheel of a vehicle and distinguishing between wheels mounted and unmounted on the vehicle (Abs.). Each wheel transmitter (10) transmits an ID code and variable data (i.e., pressure, temperature) to a receiver (12). The receiver (12) also receives traveling condition data (i.e., vehicle speed) from other vehicle systems (i.e., ABS (11)). The receiver registers the IDs of the wheels actually installed on the vehicle using the received variable data and the vehicle traveling condition data [0028, 0030-0048]. If abnormal tire pressures are detected, an alarm (13) is sounded to alert the driver [0024].

B. As per claims 2, 3, 6, 7, 9, 10, 13, 14, 22, 23, 31, 32 and 37-40, as above whereby the variable data may be pressure and temperature (Abs.; [0023]) and the traveling condition data may be vehicle speed [0024].

C. As per claims 4 and 11, as above whereby the registering process is executed according to transmitting periods related to vehicle movement [0027].

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D. As per claims 20, 21, 29, 30 and 36, as above whereby Nakayama distinguishes IDs received from wheels installed on the vehicle with those that are not by comparing the received IDs and associated variable data with IDs already registered and excludes those that are determined to be not installed on the vehicle [0030-0048, 0055-0061].

10. Claims 16-18, 25-27 and 33-34 are distinguishable over the prior art. The prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, the limitations directed to the registering and processing of provisional IDs as claimed.

11. Claims 16, 18 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 33 and 34 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

13. Claims 17, 26 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756. The examiner can normally be reached on Monday-Thursday 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz



MICHAEL J. ZANELLI
PRIMARY EXAMINER